

21 C.J.S. Courts § 77

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Courts

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II. Jurisdiction of Courts

F. Scope and Extent of Jurisdiction

§ 77. Statutory and constitutional limits of jurisdictional powers

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

- West's Key Number Digest, [Courts](#)  26(1)

A court must stay within the limit of its jurisdiction and powers, particularly as limited by statutory and constitutional provisions, but courts have the power to do anything authorized by law with reference to jurisdiction once attached.

When a court's jurisdiction has attached, challenges to the court's subsequent rulings and judgments are questions incident to its exercise of jurisdiction rather than challenges to the court's jurisdiction.¹ The court has the power to do anything authorized by law with reference to its jurisdiction, whether of the subject matter² or the parties,³ and has the power to decide the issues before it⁴ and fashion appropriate remedies.⁵

A court must stay within the limit of its jurisdiction and powers,⁶ as may be limited by state statutes⁷ or state constitutional provisions,⁸ although those limitations are, themselves, limited in scope to their provisions.⁹ The court's general jurisdiction does not empower its action when exercising a special statutory power,¹⁰ and the court's jurisdiction to act over a case may not encompass the authority to act in a particular manner over that case.¹¹

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Footnotes

- 1 Ind.— M.B. v. State, 815 N.E.2d 210 (Ind. Ct. App. 2004).
Ky.—Basin Energy Co. v. Howard, 447 S.W.3d 179 (Ky. Ct. App. 2014).
- 2 Ill.—Anderson Dundee 53 L.L.C. v. Terzakis, 363 Ill. App. 3d 145, 298 Ill. Dec. 863, 841 N.E.2d 6 (1st Dist. 2005), as supplemented on denial of reh'g, (Dec. 2, 2005).
Tex.— Joe Williamson Const. Co. v. Raymondville Independent School Dist., 251 S.W.3d 800 (Tex. App. Corpus Christi 2008).
- 3 Ill.— People v. Ocon, 2014 IL App (1st) 120912, 379 Ill. Dec. 616, 7 N.E.3d 42 (App. Ct. 1st Dist. 2014).
Mass.—I.S.H. v. M.D.B., 83 Mass. App. Ct. 553, 987 N.E.2d 223 (2013).
N.H.— Hemenway v. Hemenway, 159 N.H. 680, 992 A.2d 575 (2010).
- 4 Mass.—I.S.H. v. M.D.B., 83 Mass. App. Ct. 553, 987 N.E.2d 223 (2013).
- 5 N.Y.—Kaminester v. Foldes, 51 A.D.3d 528, 859 N.Y.S.2d 412 (1st Dep't 2008).
- 6 Ill.— Cushing v. Greyhound Lines, Inc., 2012 IL App (1st) 100768, 358 Ill. Dec. 736, 965 N.E.2d 1215 (App. Ct. 1st Dist. 2012).
Ohio—Rieser v. Rieser, 191 Ohio App. 3d 616, 2010-Ohio-6227, 947 N.E.2d 222 (2d Dist. Montgomery County 2010).
Mich.— City of Riverview v. Michigan, 292 Mich. App. 516, 808 N.W.2d 532 (2011).
Neb.—  Heesch v. Swimtastic Swim School, 20 Neb. App. 260, 823 N.W.2d 211 (2012).
Wash.—Skagit County Public Hosp. Dist. No. 304 v. Skagit County Public Hosp. Dist. No. 1, 177 Wash. 2d 718, 305 P.3d 1079 (2013).
- 7 Ill.— Cushing v. Greyhound Lines, Inc., 2012 IL App (1st) 100768, 358 Ill. Dec. 736, 965 N.E.2d 1215 (App. Ct. 1st Dist. 2012).
Neb.—  Heesch v. Swimtastic Swim School, 20 Neb. App. 260, 823 N.W.2d 211 (2012).
N.Y.—Doe v. Smith, 29 Misc. 3d 530, 907 N.Y.S.2d 588 (Sup 2010).
Ohio—Rieser v. Rieser, 191 Ohio App. 3d 616, 2010-Ohio-6227, 947 N.E.2d 222 (2d Dist. Montgomery County 2010).
- 8 N.Y.—Doe v. Smith, 29 Misc. 3d 530, 907 N.Y.S.2d 588 (Sup 2010).

Ohio—[Rieser v. Rieser](#), 191 Ohio App. 3d 616, 2010-Ohio-6227, 947 N.E.2d 222 (2d Dist. Montgomery County 2010).

9 Ill.— [Blount v. Stroud](#), 232 Ill. 2d 302, 328 Ill. Dec. 239, 904 N.E.2d 1 (2009).

10 Mo.—[Reid v. Steelman](#), 210 S.W.3d 273 (Mo. Ct. App. W.D. 2006).

11 Tex.— [Hardy v. State](#), 297 S.W.3d 785 (Tex. App. Texarkana 2009), petition for discretionary review refused, (Apr. 28, 2010).

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